

AUG 05 2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Monte Hanel  
Petitioner.  
vs.  
Derral G. Adams, Warden  
Respondent.

CD7-4682-CRB(PR)

Motion in opposition to the Deputy  
Attorney General's motion to file  
exhibits 3A-3B + 4A-4I under seal.  
Fed.R.crim.P. 47.

Petitioner is hereby filing a motion in opposition to the Deputy Attorney General Michele J. Swanson's motion to seal Jury voir dire transcripts and Juror questionnaires. On 7-29-08 Petitioner Received in the U.S. mail the Deputy Attorney General's answer to Petitioners writ of Habeas Corpus and a motion to file exhibits 3A-3B and 4A-4I under seal. The Deputy Attorney General's excuse to seal the exhibits is that they contain personal information. Petitioner believes this is not a viable excuse to seal the documents because the Petitioner is not seeking any personal information and is only looking for the conversations between jurors, potential jurors and the trial Prosecutor. Petitioner needs the Jury voir dire transcripts and Juror questionnaires to attach them to Petitioners pending traverse as exhibits. Petitioner believes that if the court grants the Deputy Attorney General's motion to seal the documents "it would result in a fundamental miscarriage of justice" to the Petitioner. Petitioner diligently pursued the Juror voir dire transcripts in the state courts but they were denied to the Petitioner. for the foregoing reasons the Deputy Attorney

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See U.S. const XIV and Cal const. Art I § 28(d) relevant evidence shall not be excluded in any criminal proceeding, including pretrial and post conviction motions and hearings.

1 general's motion to seal exhibits 3A-3B and 4A and 4I  
2 should be denied pursuant to Local Rule of the court 79-5(c).  
3 Petitioner respectfully request that the court order the  
4 Deputy Attorney General to issue exhibits 3A-3B and 4A and  
5 4I of the Jury voir dire and Juror Questionnaire Proceedings to  
6 the Petitioner.

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Dated: 7-30-08

Matt Hancock  
in pro per

22 of 2

Monte Haney #V-72062 4A-2R51  
CORCORAN STATE PRISON  
P.O. BOX 3476  
CORCORAN, CA 93212

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3  
4 Monte L. Haney,  
5 Petitioner,  
6 v.  
7 Derral G. Adams, warden  
8 Respondent.

CD7-4682 (RB (PR))  
Motion for expansion of the  
Record Pursuant to  
FED.R.Crim.P. 47.

9 I the petitioner Monte Haney am hereby filing a motion  
10 to receive State Court Reporter's Jury Selection transcripts  
11 Exhibits 3A to 3B and challenged Juror Questionnaires  
12 Exhibits 4A - 4I.

13 The reasons for this request are set forth in the  
14 accompanying declaration of the petitioner, which is  
15 forwarded to the court concurrently with this motion.

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25 Dated 7-30-08

Monte Haney  
in Pro Per

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S1 of 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

1 Montel L. Hanev  
2 Petitioner.  
3 v.  
4 Derral G. Adams, warden  
5 Respondent.

Declaration of Petitioner in  
Support of Motion for expansion  
of the Record.

6 1) On 7-29-08 Petitioner Received in the U.S. mail the  
7 Deputy Attorney General's answer to Petitioner's writ of  
8 Habeas Corpus with a memorandum of Points and  
9 Authorities in support thereof.

10 2) Simultaneously, Plaintiff received a motion from  
11 the Deputy Attorney General requesting the Court  
12 to seal Jury voir dire transcripts and Juror Questionnaires  
13 of the Petitioner's Jury trial.

14 3) the Jury voir dire transcripts and Juror Questionnaires  
15 are a Prerequisite to the legal issues in this matter  
16 and the Petitioner will need the Jury voir dire transcripts  
17 and Juror Questionnaires to use as exhibits attached  
18 to the traverse that Petitioner is preparing in this  
19 matter.

20 4) The Deputy Attorney General's excuse for sealing  
21 the aforementioned documents is that they contain  
22 private Juror information.

23 5) any names, addresses or personal information  
24 on the Juror Questionnaires and Jury voir dire transcripts  
25 can be marked out with ink so the Petitioner will not  
26 obtain any private Juror information.

27 6) Petitioner is not seeking any private Juror

slof2

1 information and needs the aforementioned documents  
2 to recall the conversation between the Potential Jurors  
3 and the trial Prosecutor.

4 7) Petitioner would like to bring to the attention of the  
5 Court that when the honorable Judge Charles R. Breyer  
6 issued an order of service in this matter on 1-11-08 he  
7 ordered the Attorney General to serve on the Petitioner all  
8 portions of the state trial Record that are relevant to a  
9 determination of the issues presented by the Petition.

10 See order of service Page 3, Paragraph 3.

11 8) If Petitioner is denied the Jury voir dire transcripts and  
12 Juror Questionnaire Proceedings, Petitioner will be denied full  
13 and fair litigation in this matter.

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24 I declare under Penalty of Perjury that the foregoing  
25 is true and correct.

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27 Dated: 7-30-08  
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Mark Abner  
in Pro Per

PROOF OF SERVICE BY MAIL

I, Monte Haney, declare that I am over 18 years of age, and a party to the attached herein cause of action, that I reside at California State Prison at Corcoran, in the County of King, California.

My mailing address is: P.O. Box 3476 Corcoran, CA

93212

On 7-30, 2008, I delivered to prison officials for mailing, at the above address, the attached: motion to expand the record and motion in opposition to the Deputy Attorney General's motion to file exhibits 3A-3B-and 4A and 4I under seal.

6 pages total Proof of Service included.  
in sealed envelope(s), with postage fully prepaid, and addressed to the following:

(1) clerk's office (2) \_\_\_\_\_

U.S. District court- NO. Dist. of CA

450 golden gate Ave, 16<sup>th</sup> floor

Sanfrancisco, CA 94102

(3) \_\_\_\_\_ (4) \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 30<sup>th</sup> day of July, 2008, at California State Prison, Corcoran.

Monte Haney

In Pro Per

Monte Henry V-72D62 4A-2K-59  
Corcoran State Prison  
P.O. Box 3476  
Corcoran, CA 93212

BAKERSFIELD STATE PRISON  
MC 1 STATE PRISON  
51 JUL 2008  
CORCORAN

"LET US TAKE TO HEART  
THINK, SPEAK AND  
ACT IN ACCORDANCE WITH  
THE TEACHINGS OF JESUS  
42 USA  
John Adams, 1776

Attn: Clerk of the Court and the honorable  
Judge Charles R. Breyer.  
clerk's office  
U.S. District Court - NO. Dist. of CA  
450 Golden Gate Avenue, 16th floor  
San Francisco, CA 94102

LEGAL MAIL

34102+3432 0004

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CA Penal Code 2601 Confidential Correspondence  
Legal mail.

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30-08

CJO P Weller